

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

CAMERON JENNINGS DODSON,
Defendant.

No. CR-91-274-FVS

ORDER DENYING MOTION

THE DEFENDANT'S CONVICTION having become final long before *Blakely v. Washington*, 542 U.S. ----, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), and *United States v. Booker*, 543 U.S. ----, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005), were decided by the Supreme Court; the defendant recently having filed a motion seeking relief under *Blakely* and *Booker*; the Ninth Circuit having held, since the defendant filed his motion, that *Blakely* does not apply retroactively to convictions which became final before *Blakely* was decided, *Schardt v. Payne*, No. 02-36164, 2005 WL 1593468, at *11 (9th Cir. July 8, 2005); and other circuits having already held that *Booker* does not apply retroactively to convictions which became final before *Booker*

1 was decided, *see, e.g., Guzman v. United States*, 404 F.3d 139,
2 144 (2d Cir.2005); Now, therefore

3 **IT IS HEREBY ORDERED:**

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5 The defendant's "Motion for Relief from Judgement [sic] or
6 Order" (**Ct. Rec. 132**) is denied.

7 **IT IS SO ORDERED.** The District Court Executive is hereby
8 directed to enter this order and furnish copies to the
9 defendant and to counsel for the government.
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11 **DATED** this 1st day of August, 2005.

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13 s/Fred Van Sickle
Fred Van Sickle
Chief United States District Judge
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